

REMARKS/ARGUMENTS

Applicant has carefully reviewed the above identified application in light of the Office
5 Action dated March 11, 2005. Claims 1-26 and 28 are presented for examination. Claim 28 has
been added.

Claims 1, 16 and 28 are the only independent claims.

Claims 1-27 were rejected under 35 U.S.C. § 103 as obvious from U.S. Patent 5,951,638
(Ball).

10 The present invention, as defined by independent claim 1, relates to a messaging system
which provides access for authorized users to pre-stored messages. At least one of these pre-
stored messages includes multiple message portions constituting an initial audio message and
one or more audio attachments to this initial audio message. The claimed method provides
access to selected portions of said pre-stored messages. The method comprises providing a
15 signal to a user indicative of at least one of said pre-stored messages being available for access;
providing the user a different signal when a selected available pre-stored message includes both
an initial audio message and one or more audio attachments; providing an option to the user for
selecting one message portion from a selected pre-stored message which includes an initial audio
message with one or more audio attachments; and upon selection by a user of said one message
20 portion of said selected pre-stored message, causing only said selected portion to be provided to
said user.

An important feature of the present invention is the enabling of a user to select a portion
of a pre-stored message that contains both an initial audio message and one or more audio
attachments. In the section of the specification entitled "Description of the Preferred
25 Embodiment" the term "attachments" is defined to include audio comments added by multiple
users:

Some voicemail systems provide the ability to forward messages to
another party. Many such systems also provide a user with the option to forward
messages to another party or parties with a comment attached. Such comments
30 are more generally referred to as attachments [emphasis added]. At the
destination(s) of the forwarded message (including attachment(s)), a recipient

may playback the original message and attachment(s) added by the forwarding party(ies) together as a combined unit. Usually, playback of any message begins with the associated attachments, in order of the last recorded attachment played first, ultimately followed by the initial message (page 5, lines 14-21).

5 The present invention as defined by claim 1 provides a “user option for selecting one message portion from a selected pre-stored message which includes an initial audio message with one or more audio attachments and ... causing only said selected portion to be provided to said user” (lines 14-21). This feature is a solution to the problem in the prior art (discussed in the
10 Background Section of the application) where an original voice message is forwarded, perhaps multiple times, and each recipient has the ability to add a comment as an attachment. As a result, “[S]uccessive recipients are forced to listen to a string of attachments before being able to hear the initial message” (specification, page 1, line 18). The present invention provides a user with the option to separate attachments and the initial message so that he can listen to any, all, or a
15 combination of attachments, partial attachments, and the initial message.

As understood by applicant, Ball relates to a system wherein:

a “sender creates a voicemail message that includes a plurality of message elements that include embedded instructions that define a structure of the message” (Abstract, lines 1-3); and wherein “the structured message is sent by the
20 sender to the recipient at an address on a messaging system that stores the message and is capable of interpreting and assembling the messaging elements in accordance with the embedded instruction and playing-out the message to the recipient when the recipient access the system and retrieves the message from storage” (Abstract, lines 13-18).

25 Inherent in Ball’s invention is the creation of the structured message. In fact this feature is so important to his invention (and apparently so novel as well) that a separate patent was issued for this creation process (U.S. Patent 6,240,391). Moreover, this structure message requirement does not lend itself to the present invention wherein essentially multiple senders are appending
30 their own attachments (i.e., comments) and forwarding the message to yet another party.

The Office Action states that col. 10, lines 15-28 of Ball teaches the feature of claim 1 that “upon selection by the user of the one message portion of the selected message, causing only said selected portion to be provided to said user” (Office Action; page 2, last paragraph). The cited passage of Ball relates to a structured message that is being sent to “a plurality of

recipients” (col. 9, line 23). Ball then discusses the feature of his invention in which “a [emphasis added] message is divided into sections with heading for which the messaging system might read all the headings and then allow the recipient to choose one or more sections to listen to” (col. 10, lines 19-22). The passage of the invention cited in the rejection of claim 1 merely
5 allows a user to navigate a single message that is composed of various elements and which is constructed and sent from a single source.

The present invention as defined by claim 1 relates to a system in which a user accesses a message “which includes an initial audio message [combined] with one or more audio attachments” (lines 12-13). As noted above these attachments are defined in the specification to
10 include comments by parties who had previously forwarded the initial message. Applicant submits that Ball neither teaches nor suggests the claimed invention wherein the combined initial message and audio attachments, so defined, are selectively reviewed (“only said selected portion to be provided to said user”; claim 1, last line).

Further, referencing Fig. 1 it is clear that Ball teaches away from the feature of the
15 invention where audio attachments comprise comments added by one or more users other than the original sender of the message. As illustrated in his Fig. 1, Ball’s system permits only one user (item 102) to craft the initial structured message. End users who receive the message (e.g., item 106) do not have the ability to modify the initial message with attachments, much less to forward a combined initial message/attachment to a third party (e.g., item 115). Moreover, as
20 Ball’s system does not teach or suggest a means of building a structured message containing such multiple user comments, his means for selectively playing back sections of the received, structure message is inapplicable to the present invention.

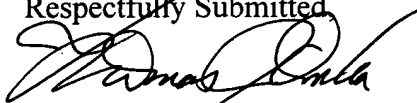
For at least these reasons, the present invention, as defined by claim 1, is deemed patentable over Ball. Claim 16, a system claim corresponding to the method claim of claim 1, is
25 deemed patentable for the same reasons. New claim 28, a method claim which also contains the above distinguishing features of claim 1, is deemed patentable for the same reasons.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted



Thomas J. Onka, Reg. No. 42,053
Attorney for Applicant

Synnestvedt Lechner & Woodbridge LLP
P.O. Box 592
Princeton, NJ 08542
609-924-3733 phone
609-924-1811 fax